



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.10936 of 2022

S.Shanmugam

..Petitioner

Vs

1. Shell India Markets Pvt. Ltd.,
2nd Floor, Campus 4A,
RMZ Millenia Business Park,
143, Dr.MGR Road, Perungudi,
Chennai-96.
2. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 - 8,
Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Engineer cum Regional Officer,
Ministry of Road Transport and Highways,
C-1-A, Rajaji Bhavaran, Besant Nagar,
Chennai-90.
4. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Kumaran Complex, Kumaran Road,
Tirupur.
5. The Secretary General,
Indian Road Congress, IRC Bhavan,
Kama Koti Marg, Sector-6, R.K.Puram,
New Delhi-110 022.
6. The District Collector,
Collectorate Building,
Tiruppur North-641 604.



7. The Sub Collector,
Kumaran Road,
Tirupur-641 604.

8. The District Revenue Officer,
Collectorate Building,
Tiruppur-641 604.

9. The Tahsildar,
Avinashi, Tiruppur-641 654.

10. The Fire and Rescue Department,
Kasikoundanpalayam,
Avinashi, Tiruppur-641 654.

11. The Assistant Divisional Engineer,
Highway Department,
No.254/159, Kumaran Road,
Tiruppur-641 601.

12. The Superintendent of Police,
Palladam Road,
Tiruppur-641 654.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to forbear the respondents from issuing the No Objection Certificates, Explosive License, and other necessary approvals/permissions/consent with respect to establishment and operation of a new retail petrol/diesel/oil outlet by 1st respondent, location at S.No.234 at Ettiveeram Palayam Village, Avinashi Taluk, Tiruppur District-641 666 vide representation dated 07.01.2021.

For the Petitioner : Ms.D.Pooja

For the Respondents : Mr.Narendran
for Ms.King & Patridge
for respondent No.1

: Mr.R.Rajesh Vivekananthan
Asst. Solicitor-General
for respondent Nos.2 and 3

: Mr.P.Muthukumar
State Government Pleader
for respondent Nos.6 to 12



ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The No Objection Certificate to establish a retail outlet has not been issued and, therefore, the writ petition to seek an order that it may not be issued is a premature cause of action, because the matter is still pending with the respondents. It may be that the NOC would not be issued after taking into consideration several aspects which are relevant or it may be issued finding satisfaction. In case NOC is issued, the petitioner has remedy to approach the District Revenue Officer.

2. Accordingly, we close the writ petition with liberty to the petitioner to take a remedy before the District Revenue Officer if, in future, NOC is issued in favour of the dealer. There will be no order as to costs. Consequently, W.M.P.No.10534 of 2022 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Joint Chief Controller of Explosives,
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+1cc to Mr.R.Rajesh Vivekananthan, Advocate SR. No. 37495
+1cc to Government Pleader SR. No. 37150

W.P.No.10936 of 2022

JPL (CO)
PR (24/06/2022)